

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 178X)

UNION PACIFIC RAILROAD COMPANY-ABANDONMENT  
EXEMPTION-IN YUMA AND MARICOPA COUNTIES, AZ

Decided: December 23, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon a 76.61-mile rail line over the Phoenix Subdivision from milepost 782.25 near Roll to milepost 858.86 near Arlington, in Yuma and Maricopa Counties, AZ. Notice of the exemption was served and published in the Federal Register on November 22, 2002 (67 FR 70478-79). The exemption is scheduled to become effective on December 24, 2002.<sup>1</sup>

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on November 29, 2002. In the EA, SEA states that the National Geodetic Survey (NGS) has identified thirty-eight geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends that UP notify NGS 90 days prior to salvage activities in order to plan their relocation.

SEA also states that the United State Department of the Interior, Fish and Wildlife Service, Phoenix Office (FWS), has indicated that several endangered, threatened, proposed, and candidate species potentially occur in Yuma and Maricopa Counties. FWS is concerned that the proposed action may adversely affect a listed species or its habitat, and recommends site-specific surveys to verify the presence or absence of a species or its habitat as required for evaluation of proposed project-related impacts. FWS also recommends the protection of any riparian habitats if any proposed action occurs in or near areas with trees and shrubs growing along watercourses. Therefore, to address the concerns of FWS, SEA recommends that, prior to salvage activities, UP contact the FWS concerning possible impacts to threatened or endangered plant or wildlife species or habitats.

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<sup>1</sup> On December 20, 2002, UP filed a motion to amend its notice of exemption and modify the notice of exemption to reflect discontinuance of service over the line rather than authority to abandon the line. The motion will be granted. Should any party assert that it has been disadvantaged by the amendment, the Board can address any claims at the time they are raised.

Finally, SEA states that the Arizona State Parks, State Historic Preservation Office (AZ SHPO) has indicated that, in the AZ SHPO's opinion, the route of the Phoenix Subdivision has significance as defined by the National Register of Historic Places' Criterion A for its association with the transcontinental railroad in Arizona.<sup>2</sup> The AZ SHPO recommends that the route of the Phoenix Subdivision be surveyed and evaluated for the National Register of Historic Places. If the line, or any segment of the line, is determined eligible, the AZ SHPO recommends that it be documented according to the standards of the Historic American Engineering Record. Therefore, pending resolution of this issue, SEA recommends that UP be required to retain its interest in and take no steps to alter the historic integrity of all sites or structures on the right-of-way until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

The recommended conditions will be imposed.<sup>3</sup> This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that UP: (a) consult with the NGS and provide NGS with 90 days' notice prior to salvage activities in order to plan for their relocation; (b) consult with the FWS to address FWS's concerns; and (c) retain its interest in and take no steps to alter the historic integrity of all sites or structures on the right-of-way until completion of the section 106 process of the NHPA.

2. UP's amendment of its notice of exemption is accepted.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary

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<sup>2</sup> SEA notes that, for approximately 75 years, the Phoenix Subdivision provided an important link for passengers and freight, thus helping Phoenix develop from a minor city to a major metropolis.

<sup>3</sup> The conditions were recommended in anticipation of abandonment of the line. It is possible that certain components of the conditions would not apply to discontinuance of service.